

## **REMARKS**

In the Office Action, the Examiner indicated that claims 1-8 and 17-42 were pending in the application. In accordance with the foregoing, the claims 3, 7 and 25-32 have been cancelled without prejudice or disclaimer and claims 1, 17, 19, 33, 36, 39-42 have been amended. Thus, claims 1, 2, 4-6, 8, 17-24, and 33-42 are pending and under consideration. No new matter is included in this amendment.

### **Allowable Subject Matter:**

At page 10 of the Office Action, the Examiner indicates that claims 3 and 7 are objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Claim 1 has been amended to include the features of original claim 3 and claims 3 and 7 have been cancelled, thus claim 1 as now amended is the same as original claim 3, thus claims 2, 4, 5, 6 and 8 which depend directly or indirectly from claim 1 are now deemed to be allowable.

The Examiner also indicates that claims 19, 23, 27 and 31 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph, and to include all the limitations of the base claim and any intervening claims. Claim 17 has been amended to recite "the objective lens device has a numerical aperture which is 0.70 or more." Thus, claim 17 is deemed to be allowable for similar reasons set forth above regarding claim 1. Claim 19 has been amended to remove the feature concerning the numerical aperture of the objective lens device, which feature is now included in claim 17 from which claim 19 depends, and to overcome the 35 U.S.C. §112, second paragraph rejection. Claims 27 and 31 have been cancelled without prejudice or disclaimer.

### **Claim Objections:**

At page 2 of the Office Action, the Examiner notes an intent to object to claim 40 as being a duplicate should claim 39 be found to be allowable. Claim 40 has been amended as set forth above to depend from claim 37, thus claim 40 is not now a duplicate of claim 39.

### **The 35 U.S.C. §112, Second Paragraph Rejection.**

At page 2 of the Office Action, claims 19, 23, 27, 31, 33, 39, 40, and 41 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 19 and 41 have been amended to more definitely recite the claimed wavelength range. It is clear from the context of at least paragraph [0029] that the term "a range including 400nm and 420nm" was intended to define a range including 400 and 420 nm as end points of the range. For example, in paragraph [0029] paragraph, the specification refers to a "semiconductor laser which emits blue light having a wavelength in a range including 400 and 420 nm, preferably about 405 nm." Since claim 19 depends from claim which includes a light source which has no limitation, if claim 19 had not been intended to be limited in range, then claim 19 would be identical to claim 16. In view of the context of the claims, it is doubtful that a person of ordinary skill in the art would interpret claim 19 as including the whole light spectrum in view of the range of 400 to 420 being mentioned as an illustration of the blue light range. Claim 41 has been amended in a similar manner. Claim 23 appears to have been objected to only for a dependency on claim 19. Claims 27 and 31 have been cancelled; thus, the rejection of claims 27 and 31 is moot.

Regarding claims 33, 39 and 40, the Examiner objects to the range as expressed in claims 33, 39 and 40. Regarding claim 33, which further limits the invention as claimed in claim 17, claim 17 already limits the first of the three lenses to being formed of a material having an Abbe number of 45 or less, thus it is clear that claim 33 was intended to express a more narrow numerical range, otherwise claim 33 would be broader than claim 17, which would be improper. In view of the context, the term "a range including 27.5 and 31.2" is also readable to indicate that the endpoints were to be included in the range. Claim 33 has been amended to express the range of the Abbe number as  $27.5 \leq A_N \leq 31.2$ . Similar reasoning applies regarding claims 39 and 40. Applicants submit that claims 33, 39 and 40, as amended, are now clearly definite.

It is respectfully requested that the 35 U.S.C. §112, second paragraph rejection be withdrawn.

**The 35 U.S.C. §102(b) Rejection:**

At page 3 of the Office Action, claims 1, 2, 4-6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by U. S. Patent 5,491,587 to Iwaki et al. This rejection is respectfully traversed. Anticipation requires disclosure in a single prior art reference every claimed feature of the invention, arranged as in the claim.

Claim 1 has been amended to incorporate the features of claim 3, which the Examiner previously indicated as being allowable. Thus, claim 1 is now deemed to be allowable.

Claims 2, 4, 5, 6 and 8 are deemed to be patentable at least for similar reasons set forth

above regarding claim 1.

**The 35 U.S.C. §103(a) Rejection:**

At page 5 of the Office Action, claims 17, 18, 20-22, 24-26, 28-30 and 32-42 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 4,927,247 to Tanaka in view of U.S. Patent 5,491,587 to Iwaki et al.

Claim 17 has been amended to recite "where a focal length of the first lens is  $f_n$  and an overall focal length of the objective lens device is  $f$ , the objective lens device satisfies the equation  $-2.4 < f_n/f < -1.4$ ," and to recite that "the objective lens has a numerical aperture of 0.70 or more." Claim 17, as amended, is deemed to be patentable at least for similar reasons set forth above regarding claim 1.

Claims 18, 20-22, 24, 34 and 35 are deemed to be patentable at least for similar reasons set forth above regarding claim 17. Claims 25-32 have been cancelled without prejudice or disclaimer, thus the rejection of claims 24-26, 28-30 and 32 is moot.

Regarding claim 33, claim 33 has been amended to be an independent claim, wherein the expression for the range of the Abbe number has been clarified as set forth above in response to the 35 U.S.C. §112, second paragraph rejection. Neither Iwaki et al. nor Tanaka et al. discloses an optical pickup wherein "a first of three lenses has a negative power and is formed of a material having an Abbe number ( $A_N$ ) in line d in a range where  $27.5 \leq A_N \leq 31.2$ ," as claimed in claim 33.

Claim 36, as amended, is deemed to be patentable at least for similar reasons set forth above regarding claim 17.

Claims 37 and 38 are deemed to be patentable at least for similar reasons set forth above regarding claim 36.

Regarding claims 39 and 40, neither Iwaki et al. nor Tanaka et al. discloses an optical pickup wherein a first of three lenses has a negative power and is formed of a material wherein "the Abbe number ( $A_N$ ) is in a range where  $27.5 \leq A_N \leq 31.2$ ," as claimed in claims 39 and 40.

Regarding claim 41, neither Iwaki et al. nor Tanaka et al. discloses an optical pickup "wherein the light source emits light having a wavelength ( $\lambda$ ) in a range of  $400\text{nm} \leq \lambda \leq 420\text{nm}$ ," as claimed in claim 41.

Regarding claim 42, neither Iwaki et al. nor Tanaka et al. discloses an optical pickup comprising: "a light source which emits light having a wavelength ( $\lambda$ ) in a range of  $400\text{nm} \leq \lambda \leq 420\text{nm}$ ," and an "objective lens device comprising: a first lens having a negative power and formed of a material having an Abbe number which is 45 or less in line d, a second lens having a positive power and forming a doublet with the first lens, and a third lens having a positive power, wherein: one of the second and third lenses is aspherical, and the objective lens device has a numerical aperture of 0.70 or more," as claimed in claim 42.

**Conclusion:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 8/26/03

By: John H. Stowe  
John H. Stowe  
Registration No. 32,863

1201 New York Avenue, NW, Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501